

Remark:

In response to the office action dated 03/16/05, the applicant respectfully amends subject independent claims 1 and 22 according to the grounds of rejection provided.

Claim 1 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated independently by Harmer et al, Rahmey and also Markman. Figure 1-3 of Harmer disclosed an indicia 22 formed by co-injection plastic molding process (column 2, lines 26 to column 3, line 31) for bearing indicia or logos of the garment. This type of design can be distinguished from the subject invention according to the following three characteristics:

(a) Nature of the application:

Harmer disclosed unique structure of "display hanger" specifically designed for stores to display garment for resale. According to Harmer, the information provided in the display area 22 of Harmer is for displaying indicia – indicating the size of a garment supported, or the logo of the garment manufacturer/designer. These hangers are supported with garments when displayed in a store. The garment hanger of claim 1 and 22 are "retail hangers" to be sold directly to consumer without any garment attached when the hangers are displayed in the retail store.

(b) Location of the display area:

The indicia 22 of Harmer, FIG. 1 and 2 locates "vertically above" the medial portion of the hanger according to the definition of the specification. However, the indicia 22 of Harmer FIG. 3 fits the definition to be "vertically above" a supporting arm 18 of the hanger.

(c) Type of garment supported:

According to the disclosure of the subject application, it is obvious to any person having ordinary skill in the art to know that the invented garment hangers are manufactured for supporting the shoulder portions of a garment. In contrast, the garment supported by FIG. 3 of Harmer are for

underwear, slips, brassieres or trousers as the indicia 22 of Figure will interfere with the shoulder portion of a garment.

For a rejection to be justified under 35 U.S.C. 102(b), **EVERY LIMIT** of the subject claim, **NO MATTER HOW MINOR**, must be presented in the prior art cited. Store use display hanger and consumer use hangers are very different business well known to any people in the garment hanger profession. It is well known to the garment hanger industry that store use hangers and consumer use retail hangers are completely different businesses provided by different manufacturers, and distributed through different channels. Claim 1 specifically recites the characteristic of a retail hanger that the display area is to display information **RELATED TO SAID HANGER**. Harmer clearly recites the characteristic of a store use hanger, that the indicia 22 is provided to display sizes of a retail garment, or the logo of the retail store/garment manufacturer, or the designer of the retail garment. This distinguishable characteristic is so well known to any person having ordinary skill in the different arts of store use hangers and consumer use retail hangers. Accordingly the rejection of claim 1 under 35 U.S.C. 102(b) according to Harmer is respectfully requested to be withdrawn.

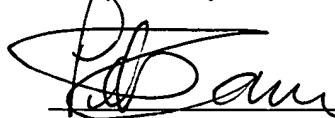
The applicant specifically requests the examiner to review the proper interpretation of the term "vertically above" as recited in independent claims 1 and 22. Although an examiner should interpret a term according to the broadest meaning possible by an ordinary person in the art, precedent court ruling *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d. 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) indicated that wherever an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. In the amendment of specification submitted on 02/25/2005, the applicant explicitly defined how the term "vertically above" is to be interpreted in the subject claims. It is respectfully submit that the indicia 22 of Harmer in FIG. 1-2 failed to satisfy the definition of "vertically above" as defined by the subject application so as for claim 1 and 22 to be rejected under

35 U.S.C. 102(b). Similarly the disclosure of Rahmey and Markman also failed to satisfy the definition of “vertically above” as defined by the subject application as their display area are positioned substantially vertically above the medial portion of a hanger. According to the teaching of precedent court ruling *Toro Co. v. White Consolidated Industries Inc.*, the rejection of claims 1 and 22 under 35 U.S.C. 102(b) as anticipated by FIG. 1-2 of Harmer, Rahmey and Markman are therefore respectfully requested to be withdrawn. If the rejection of claims 1 and 22 according to these grounds are to be withheld, the examiner is respectfully requested to provide supporting evidence why the decision of the precedent court ruling *Toro Co. v. White Consolidated Industries Inc.* is to be ignored.

The applicant admits that FIG. 3 of Harmer has a location of indicia that satisfies the definition of “vertically above” as defined by the subject application. Accordingly claims 22 as well as claim 1 are amended to be further limited to the garment hangers that supports only the upper garments (i.e. the garments with two shoulder portions) as indicated in the disclosed drawings; and that the top surfaces along the supporting arms of the hanger are structured to provide smooth supporting effect for the shoulder portions. Obviously FIG. 3 of Harmer refers to the structure of underwear or trousers – completely different structured garment hangers. It is respectfully submit that with this further limitation, together with the limitation defining the different application nature of the invented garment packaging method, for consumer use retail hangers as recited, the ground of rejection according to FIG. 3 of Harmer under 35 U.S.C. 102(b) is respectfully requested to be withdrawn.

Finally, since the novelty areas of the claimed invention are now clearly identified and fully understood by the examiner, and that the structures of the cited prior art are distinguishable from that of the subject invention, the Examiner is respectfully requested to propose broadest allowable claim or specification amendment to the application pursuant to MPEP 707.07(j) if further amendment is required for the application to be allowed.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelop addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 15, 2005.



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